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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,190	05/06/2004	Adrian Buckley	1578.163	7246

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RESEARCH IN MOTION, LTD
102 DECKER CT.
SUITE 180
IRVING, TX 75062

EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/840,190	BUCKLEY ET AL.	
	Examiner	Art Unit	
	Huy Q. Phan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Information Disclosure Statement

2. The information disclosure statement filed 03/21/2005 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kallio (US-2002/0147008).

Regarding claim 1, Kallio discloses in a radio communication system (fig. 1-2) having a mobile node (MS 150) selectably operable to communicate data with a selected network ([0010]-[0012]) of a first group of first networks ([0028]-[0033]), the first networks of the first group of networks operable pursuant to a first communication scheme ([0028]-[0033]), and the radio communication system further having a second group of second networks ([0026]-[0027]), the second networks operable pursuant to at least a second communication scheme ([0026]-[0027]), an improvement of apparatus for facilitating selection of the selected network through which to effectuate communication of the data ([0010]-[0012]), said apparatus comprising:

a second-network detector embodied at the mobile node and adapted to receive indications of second-network signals broadcast by at least selected ones of the second networks ([0034]-[0038]), the second-network signals containing second-network indicia identifying geographic positioning of the second networks ([0026]-[0027]), respectively, from which the second-network signals are broadcast ([0034]-[0038]), said second-network detector for detecting values of the second network indicia contained in the second-network signals, detection of the second-network indicia indicative also of the geographic positioning of the mobile node ([0034]-[0038]; also see figs. 1-5 and descriptions);

a first-network detector also embodied at the mobile node, said first-network detector adapted to receive indications of first-network signals broadcast by at least

selected ones of the first networks ([0028]-[0033]), the first-network signals containing first-network identifying indicia identifying the first networks ([0034]-[0038]), respectively, from which the first-network signals are broadcast, said first-network detector selectably for detecting values of the first-network identifying indicia ([0034]-[0038]), detection of the first-network identifying indicia indicative also of which of the first-networks are potentially available through which to communicate ([0034]-[0038]; also see figs. 1-5 and descriptions); and

a selector adapted to receive indications of detections made by said first-network detector and indications of detections made by said second-network detector, said selector for selecting, responsive thereto, the selected network through which to effectuate the communication of the data ([0034]-[0038]; also see figs. 1-5 and descriptions).

Regarding claim 15, Kallio discloses a method for facilitating selection of a selected network ([0010]-[0012]) through which to effectuate communication of data in a radio communication system (fig. 1-2), the radio communication system having a mobile node (MS 150) selectably operable to communicate the data with a selected network of a first group of first networks ([0028]-[0033]), the first networks of the first group of networks operable pursuant to a first communication scheme ([0028]-[0033]) and the radio communication system further having a second group of second networks ([0026]-[0027]), the second networks operable pursuant to at least a second communication scheme ([0026]-[0027]), said method comprising the operations of:

detecting values of second-network indicia contained in the second-network signals broadcast by at least selected ones of the second networks ([0034]-[0038]), the second-network indicia identifying geographic positioning of the second networks from which the second-network signals are broadcast ([0034]-[0038]; also see figs. 1-5 and descriptions);

detecting values of first-network identifying indicia contained in first-network signals broadcast by at least selected ones of the first networks ([0034]-[0038]), the network identifying indicia identifying the first networks from which the first-network signals are broadcast ([0034]-[0038]; also see figs. 1-5 and descriptions); and

selecting, responsive to the values detected during said operations of detecting, the selected network through which to effectuate the communication of the data ([0034]-[0038]; also see figs. 1-5 and descriptions).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-10, 12-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio in view of Ahmavaara (US-2004/0066756).

Regarding claim 2, Kallio discloses the apparatus of claim 1 wherein the first networks of the first group each forms a wireless local area network ([0028]-[0033] and [0026]). But, Kallio does not particularly show each identified by a service set identifier and wherein the first-network identifying indicia contained in the first-network signals detected by said first network detector comprise values of the service set identifiers. However in analogous art, Ahmavaara teaches each identified by a service set identifier and wherein the first-network identifying indicia contained in the first-network signals detected by said first network detector comprise values of the service set identifiers [0005]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kallio as taught by Ahmavaara in order for the mobile node "to select the network to which to connect" or "to select the best network or to even have a feasible option of choosing from a list of provided network names" ([0005]-[0007]).

Regarding claim 3, Kallio discloses the apparatus of claim 1 wherein the second networks of the second group of each forms a cellular-system network ([0025]-[0027]). But, Kallio does not particularly show wherein the second-network indicia contained in the second-network signals detected by said second network detector comprise country-code identifiers, identifying the geographic position in terms of country codes. However in analogous art, Ahmavaara teaches wherein the second-network indicia contained in the second-network signals detected by said second network detector comprise country-code identifiers, identifying the geographic position in terms of country

codes ([0007], [0011]-[0020], and [0041]-[0093]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kallio as taught by Ahmavaara in order for the mobile node "may make automatic network selection based on preferences stored in a GSM subscriber identity module (SIM) or a universal subscriber identity module (USIM) made by the operator or by user. The UE allows the user to make a manual selection when the UE browses available PLMNs. The UE converts the PLMNs to user friendly network names from internal memory and the user selects the desired network" ([0005]-[0007]).

Regarding claim 4, Kallio discloses the apparatus of claim 1. But, Kallio does not particularly show at least a first list maintained at the mobile node, the first list identifying first networks of the first group with which the mobile node is permitted to communicate the data, selection made by said selector made, in part, responsive to entries contained in the at least the first list. However, Ahmavaara teaches at least a first list maintained at the mobile node, the first list identifying first networks of the first group with which the mobile node is permitted to communicate the data, selection made by said selector made, in part, responsive to entries contained in the at least the first list [0005]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kallio as taught by Ahmavaara in order for the mobile node "to select the network to which to connect" or "to select the best network or to even have a feasible option of choosing from a list of provided network names" ([0005]-[0007]).

Regarding claim 5, Kallio and Ahmavaara disclose the apparatus of claim 4.

Ahmavaara further teaches wherein the at least the first list comprises the first list and at least a second list, the first list identifying first networks of the first group associated with a first level of preference and the second list identifying first-networks of the first group associated with a second level of preference, said selector for selecting the selected network, if available, from the first list prior to selection of the selected network from the second list ([0010]-[0020], and [0041]-[0093]).

Regarding claim 6, Kallio and Ahmavaara disclose the apparatus of claim 4.

Ahmavaara further teaches wherein the at least the first list comprises the first list, the second list, and at least a third list, said selector further for selecting the selected network from the second list, if available, prior to selection of the selected network from the third list ([0010]-[0020], and [0041]-[0093]).

Regarding claim 7, Kallio and Ahmavaara disclose the apparatus of claim 4.

Ahmavaara further teaches wherein the entries formed of the first networks of said at least the first list have indexed together herewith geographic identifiers that identify geographic areas associated with the first networks [0005].

Regarding claim 8, Kallio and Ahmavaara disclose the apparatus of claim 4.

Ahmavaara further teaches wherein the selection made by said selector is made

responsive to comparisons of the values of the second-network indicia detected by said second-network selector with the geographic identifiers indexed together with the entries of the at least the first list ([0010]-[0020], and [0041]-[0093]).

Regarding claim 9, Kallio discloses the apparatus of claim 1. But, Kallio does not particularly show wherein the mobile node comprises a preferred second-network list, the preferred second-network list identifying second networks, the second network signals, of which the indications are detected by said second-network detector, are broadcast by second-networks listed on the preferred second network list. However, Ahmavaara teaches wherein the mobile node comprises a preferred second-network list, the preferred second-network list identifying second networks, the second network signals, of which the indications are detected by said second-network detector, are broadcast by second-networks listed on the preferred second network list ([0010]-[0020], and [0041]-[0093]); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kallio as taught by Ahmavaara in order for the mobile node “to select the network to which to connect” or “to select the best network or to even have a feasible option of choosing from a list of provided network names” ([0005]-[0007]).

Regarding claim 10, Kallio and Ahmavaara disclose the apparatus of claim 4. Ahmavaara further teaches wherein the second networks are operated by network operators, wherein the first networks are operated by first network operators [0005],

and wherein selected ones of the operators of the second networks [0007] at least maintain associations with selected ones of the operators of the first networks ([0010]-[0020], and [0041]-[0093]), said selector further selectably for selecting the selected network responsive to the at least the associations ([0010]-[0020], and [0041]-[0093]).

Regarding claim 12, Kallio and Ahmavaara disclose the apparatus of claim 10. Ahmavaara further teaches wherein the mobile node comprises a preferred second-network list, the preferred second-network list identifying second networks, ordered in terms of order of preference, and wherein said selector selects the selected network responsive to entries contained in the preferred second-network list and associations between operators of the entries listed thereon and operators of first networks ([0010]-[0020], and [0041]-[0093]).

Regarding claim 13, Kallio and Ahmavaara disclose the apparatus of claim 12. Ahmavaara further teaches wherein said selector selects the selected network responsive to a most-preferred, available entry listed at the preferred second-network list ([0010]-[0020], and [0041]-[0093]).

Regarding claim 14, Kallio discloses the apparatus of claim 13 wherein said selector selects as the selected network a first network whose operator maintains an association with the most-preferred, available entry listed at the preferred second-network list ([0010]-[0020], and [0041]-[0093]).

Regarding claim 16, Kallio and Ahmavaara disclose the method of claim 15. But, Kallio does not particularly show the operation of forming at least a first list at the mobile node, the first list identifying first networks of the first group with which the mobile node is permitted to communicate, selection made during said operation of selecting responsive, in part, responsive to entries contained in the at least the first list. However, Ahmavaara teaches the operation of forming at least a first list at the mobile node, the first list identifying first networks of the first group with which the mobile node is permitted to communicate, selection made during said operation of selecting responsive, in part, responsive to entries contained in the at least the first list [0005]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kallio as taught by Ahmavaara in order for the mobile node “to select the network to which to connect” or “to select the best network or to even have a feasible option of choosing from a list of provided network names” ([0005]-[0007]).

Regarding claim 17, Kallio and Ahmavaara disclose the method of claim 16. Ahmavaara further teaches wherein the entries formed of the first networks of the at least the first list formed during said operation of forming have indexed together therewith geographic identifiers that identify geographic areas associated with the first networks [0005].

Regarding claim 18, Kallio and Ahmavaara disclose the method of claim 17. Ahmavaara further teaches wherein selection made during said operation of selecting is made responsive to values of the second-network indicia detected during said operation of detecting the values of the second-network indicia with the geographic identifiers indexed together with the entries of the at least the first list ([0007], [0011]-[0020], and [0041]-[0093]).

Regarding claim 19, Kallio and Ahmavaara disclose the method of claim 18. Ahmavaara further teaches wherein the second networks are operated by network operators, wherein the first networks are operated by first network operators [0005], and wherein selected ones of the operators of the second networks at least maintain associations with selected ones of the operators of the first networks [0007], selection made during said operation of selecting further responsive to the at least the associations ([0010]-[0020], and [0041]-[0093]).

Regarding claim 20, Kallio discloses the method of claim 19 wherein the mobile node maintains a preferred second-network list, the preferred second-network list identifying second networks in terms of order of preference, and wherein selection made during said operation of selecting of the selected network is responsive to entries contained in the preferred second-network list and associations between operators of the entries listed thereon and operators of the first networks ([0010]-[0020], and [0041]-[0093]).

Allowable Subject Matter

5. Claims 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 11, the applied references fail to disclose or render obvious the claimed limitations that the apparatus of claim 10 wherein said selector further selects the selected network responsive to the at least associations when entries contained in the at least the first list fail to identify any first networks amenable to form the selected network.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Gallagher discloses a method for selecting a wireless communication network (see specification).

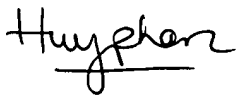
b) Sagi discloses a method for handoff between wireless communication networks (see specification).

c) Lehtikainen discloses a method for obtaining location-dependent services information by using a mobile station (see specification).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

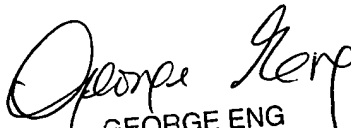
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Phan, Huy Q.

AU: 2617



GEORGE ENG
SUPERVISORY PATENT EXAMINER

Date: 02/01/2007